

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION**

WYNDHAM VACATION RESORTS, INC.)	
)	
Plaintiff,)	Case No. 2:12-cv-000096
)	Judge Aleta A. Trauger
)	
v.)	
)	
)	
THE CONSULTANT GROUP, et al.)	
)	
Defendants)	
)	

**MOTION TO WITHDRAW AS COUNSEL AND MOTION TO WAIVE
FOURTEEN-DAY NOTICE REQUIREMENT FOR MOTION TO WITHDRAW**

Comes now attorney Brian Walthart, pursuant to this Court's Memorandum & Order filed July 17, 2014 [DE 263] and Local Rule 83.01, and moves this Court for an Order allowing him to be stricken of record as counsel for Defendants Superior Vacations, Inc. and Superior Timeshare Closing (collectively, "Superior"). Mr. Walthart states the following in support of this motion:

1. Mr. Walthart was an associate attorney at DHPM, PC ("DHPM"), a law firm that once represented Superior in this litigation. As an associate attorney at that firm, he assisted attorney Greg Oakley, a partner at DHPM, with some aspects of Superior's defense. Mr. Walthart resigned his position with DHPM around August 2013. Before Mr. Walthart left DHPM in August 2013, he spoke with Daniel Garrett¹ and informed Mr. Garrett that he was leaving DHPM and that he would no longer be representing Superior. Since that time, Mr.

¹ Mr. Garrett was one of Superior's principals. Mr. Garrett is also an individual defendant in this action.

Walthart has had no involvement with this case in general, or with Superior's defense, in particular. Since he left DHPM in August 2013, Mr. Walthart has not communicated with any of Superior's principals or agents (other than the July 28, 2014 conversation and email set forth below).

2. After receiving this Court's Memorandum & Order, Mr. Walthart called attorney Greg Oakley to get Mr. Garrett's contact information. On July 28, 2014, Mr. Walthart spoke with Daniel Garrett, Superior's principal, where they discussed this situation and the Court's Memorandum & Order. Mr. Walthart explained that he would be filing a "Clarification" stating that he did not represent Superior. Mr. Garrett affirmed that he understood. Mr. Walthart also told Mr. Garrett that he would file a motion to withdraw. Mr. Walthart confirmed this in writing to Mr. Garrett by way of email on the same day.

3. Mr. Walthart did not file a motion to withdraw because under Local Rule 83.01, Mr. Walthart was required to give the client notice and "[s]uch notice to the client [must] be given at least fourteen (14) days prior to the Motion to Withdraw being filed, unless the Court directs otherwise." LR83.01(g). Upon further reading of the Court's Memorandum & Order, and communicating with the Court's courtroom deputy, it appears that the Court has directed otherwise.

4. For these reasons, Mr. Walthart requests that his name be stricken as attorney of record from this case and that he be allowed to withdraw. Mr. Walthart would also ask this Court to waive the 14-day notice requirement in LR83.01(g). See LR1.02 (by "order entered in any case, the Court may deviate from an provision of any Local Rule of this Court, when appropriate for the needs of the case and the administration of justice").

WHEREFORE, Brian F. Walthart requests that his name be stricken as counsel of record in this case and he be allowed to withdraw.

Respectfully submitted:

/s/ Brian F. Walthart
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served on the following using the Court's CM/ECF filing system this 4th day of August, 2014.

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/s/ Brian F. Walthart
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